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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,851	04/17/2001	Hidetoshi Aoki	043118-0102	4178
22428	7590	02/10/2006	EXAMINER	
FOLEY AND LARDNER LLP				GIBBS, HEATHER D
SUITE 500				
3000 K STREET NW				
WASHINGTON, DC 20007				
		ART UNIT		PAPER NUMBER
		2627		

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/835,851	AOKI, HIDETOSHI
	Examiner	Art Unit
	Heather D. Gibbs	2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2 and 7-9 is/are allowed.
- 6) Claim(s) 1,3-6 and 10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>11/30/05</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. The amendment filed on 12/09/2005 has been entered and made of record.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

3. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues "Yamakawa fails to suggest setting an image reading carriage at a prescribed position based on a reference position" Upon further review, the Examiner respectfully disagrees and find that Yamakawa discloses in Col 13 Lines 15-22, When the reference position is determined, the correction-factor determining portion 208 determines color component values (for each of the R image data and the G image data) at a plurality of imaginary points whose locations are predetermined with respect to the reference position, based on the R image data of the sampling points and the G image data of the sampling points by using interpolation. Also, the R, G and B image sensors in the present embodiment of the image reading apparatus read out this reference pattern. The read image data of the reference pattern is used to detect a deviation of the of color component values due to the variation of the sub-scanning speed of the R, G and B image sensors. See Col 15 Lines 52-57. Lastly, the carriage is arranged on the image sensor Col 30 Lines 50-67.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,3-4,10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakawa et al (US 5,892,595).

Regarding claim 1, Yamakawa teaches An image reading apparatus comprising: an image reading carriage, a reference position pattern element provided on a prescribed location in such a manner that it is able to be read by said image reading carriage which is caused to run; and a control section for detecting a reference position based on the reference position pattern element thus read and setting said image reading carriage at a prescribed position based on the reference position thus detected (Col 25 Lines 54-62; Col 26 Lines 22-34; Fig 23).

Regarding claim 3, Yamakawa discloses The image reading apparatus as set forth in claim 1, wherein said reference position pattern element comprises a straight line having an inclination of a prescribed angle with respect to a main scanning direction of said image reading carriage (Fig 23A).

Regarding claim 4, Yamakawa teaches The image reading apparatus as set forth in claim 3, wherein said reference position pattern element comprises at least two

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reference position patterns with a prescribed distance provided there between in an auxiliary scanning direction of said image reading carriage, said at least two reference position patterns being inclined with respect to said main scanning direction in an opposite relation to each other, and said control section reads said two reference position patterns by means of said image reading carriage, and detects, as the reference position, the position at which the distance between said two reference position patterns in said main scanning direction becomes a prescribed value (Col 28 Lines 25-61; Figs 27-28).

For claim 10, Yamakawa teaches wherein said control section detects the reference position by reading said reference position pattern element by means of said image reading carriage, and makes said image reading carriage move a prescribed distance from said reference position to an image reading start position (Col 28 Lines 25-61; Figs 27-28).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa (US 5,892,595) in view of Lee (US 5,995,712).

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Yamakawa discloses an image reading apparatus comprising an image reading carriage; a reference position pattern element provided on a prescribed location in such a manner that is able to be read by said image reading carriage which is caused to run; a control section for detecting a reference position based on the reference position pattern element thus read and setting said image reading carriage at a prescribed position based on the reference position thus detected (Col 25 Lines 54-62; Col 26 Lines 22-34; Fig 23).

Yamakawa does not disclose expressly wherein said control section reads said reference position pattern element by first moving said image reading carriage a predetermined distance forwardly in an auxiliary scanning direction and then moving it rearwardly.

Lee discloses wherein said control section reads said reference position pattern element by first moving said image reading carriage a predetermined distance forwardly in an auxiliary scanning direction and then moving it rearwardly (Col 3 Lines 66-Col 4 Lines 1-65; Fig 5).

Yamakawa & Lee are combinable because they are from the same field of endeavor, printing patterns.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize Lee with Yamakawa.

The suggestion/motivation for doing so would have been to vertically align the printer, as taught by Lee.

Therefore, it would have been obvious to combine Lee with Yamakawa to obtain the invention as specified in claim 5.

For claim 6, Lee teaches wherein said predetermined distance is greater than a distance within which said image reading carriage is able to move before reaching an auxiliary scanning range, and less than a distance within which said image reading carriage is able to move after passing said auxiliary scanning range (Col 4 Lines 1-65).

Allowable Subject Matter

8. Claims 2,7-9 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2627

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